

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JERRY PINKS,
individually and on behalf of others
similarly situated,
Plaintiffs,
-against-

M & T BANK CORP.,
Defendant.

No.: 1:13-cv-1730 – LAK-RLE

DECLARATION OF DANIEL V. GSOVSKI, ESQ.

DANIEL V. GSOVSKI, Esq., under penalty of perjury, declares as follows:

1. I am a member of Herzfeld & Rubin, P.C., attorneys for plaintiff and the putative class, and of the bar of this Court. I make this declaration in opposition to Defendant's Motion to Dismiss.
2. Attached as Exhibit 1 is a true copy of the correspondence dated September 21, 2010, sent by defendant M&T Bank to plaintiff Jerry Pinks, which is referenced in ¶ 14 of the Complaint (Dkt. # 1) herein.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my present knowledge, information and belief.

/s/ Daniel V. Gsovski

Daniel V. Gsovski

EXHIBIT 1



September 21, 2010

JERRY PINKS
26 BLUEHAW CT
BLUFFTON, SC 29910

RE: Name: JERRY PINKS
Account #: 11097375200001
Collateral: 09 BIG COUN 3490 RB

Dear JERRY PINKS:

Please be advised that your repossessed collateral was sold at a private auction on September 15, 2010.

Payoff prior to Auction Date:	\$55,580.64
Auction Proceeds:	\$15,000.00
Auction Expense:	\$ 383.18
Repossession Expense:	\$1,000.00
Total Amount Due/Deficiency:	\$41,963.82

Future debits, credits, charges, interest and expenses, if any, may affect the amount of the deficiency. You may be eligible to rewrite the Total Amount Due into a new loan. Please contact me immediately to make arrangements for repayment of the remaining amount due.

If you fail to contact me immediately, your account may be referred to our Attorneys for legal action. Failure to pay this amount due will affect your Credit Rating and may result in a judgment, which may lead to garnishment of your wages, and/or a lien on any property you may own. These procedures will result in additional expense to you.

If you have filed for relief under the United States Bankruptcy code, please understand that this notice is given to you as a requirement of state law and is not an attempt to collect a debt.

You may call me at 1-800-724-8644.

Sincerely,


Stephen Miller

Workout Specialist